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November 29, 1993

MR. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street N.W.  
Washington, DC 20554

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(NOV 30 1993)

FCC - MAIL ROOM

RE: Reply Comments  
MM Docket No. 93-244  
RM-8315  
Pike Road, Alabama

Dear Mr. Secretary,

Transmitted herewith are an original and 4 copies of my reply comments in the above captioned FM proceeding. These comments are timely filed with respect to the reply date established in the Notice of Proposed Rulemaking.

Sincerely,

*Fred Randall Hughey*

Fred Randall Hughey  
Route 4 Box 247  
Tallassee, Alabama 36078

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## COMMENTS TO COUNTERPROPSAL AND OPPOSITION COMMENTS

In regard to R.J. Miller's counterproposal and comments, in which he desires to have channel 248A moved to Ramer, Alabama and questions that Pike Road, Alabama meets the indicia used by the Commission to determine the allocation of FM channels to the various communities and states...

Miller's so called detailed study of Pike Road, Alabama includes very little if any accurate information about the community. Miller's consultant recognizes one functioning store in Pike Road, we assume this to be Kirksey's Grocery, but he fails to notice a building housing "NIKA Industries" directly across the street. Only about 1,000 feet to the West, within site of Kirksey's Grocery is "The Feed Lot", an ACE Hardware and Feed Store. This 20,000 square foot commerical business is one of the largest stores of its kind in Montgomery County. Mr. Miller conveniently ignored these businesses in an attempt to mislead the Commission.

Only about 150 feet north of Kirksey's is the "Pike Road Community Library" which lies within 50 feet of the softball/ baseball park. The Pike Road library has a large sign on the building identifying it as the public library. A photograph of the public library was a part of our original allocation petition. Clearly Mr. Miller's consultant purposely omitted the library in an attempt to mislead the Commission. Mr. Miller's consultant was able to identify the softball/ baseball park, but describes it as "an unkept softball park". We have previously shown this facility in a photograph in our original petition and have documented how the Pike Road Community and Civic Clubs support this facility. Possibly in November there isn't a great deal of softball or baseball played in Pike Road, Alabama, thus to Mr. Miller's consultant it appeared that the field was unkept. We found the grass to have been cut regularly and the basepaths, backstop and fences to be in very good condition for play. Numerous Pike Road residents have assured me that the ballpark is used on a regular basis and is kept up by the community. Again this is another attempt by Mr. Miller to mislead the commission.

Next Mr. Miller's consultant describes Pike Road as having an unmanned building for "East Montgomery Water, Sewer, and F.P.A.". We have also shown this building in photographs connected with our original allocation petition. Of Course, Mr. Miller's consultant avoids giving the entire title of the facility which has Pike Road, Alabama underneath "East Montgomery Water, Sewer and F.P.A.", again apparently in an attempt to mislead the commission.

Our investigation of this so called "unmanned building" shows that it conducts business on a daily basis. Over 2,000 Pike Road residents pay their water bills on the premises Monday through Friday from 8AM until 12 noon and from 1PM until 5PM. We had already included photographs of this facility in our original allocation petition. Enclosed please find further evidence that

this building is open to serve Pike Road residents. Photograph #1 clearly shows what appears to be vehicles parked at the facility. Photograph #2 shows the front door which reveals the hours of operation of the water department. Photograph #3 shows three of the employees of the water department at work. Left to right are Danny Weitman, Field Technician, Franklin Buzbee, Project Manager and Melessia Moorer, Administrative Assistant. All three have volunteered to talk with anyone by telephone at 205-284-3030 to verify that their office is open to serve Pike Road residents during the hours posted on the front door of the facility. Again, Mr. Moore has attempted to mislead the Commission by claiming this to be an "unmanned facility".

Mr. Miller also states Pike Road to be entirely agriculture but fails to glance 200 feet north of the Public Library and see agriculturally related Hudson Cattle Company. Another business already identified in our original allotment petition. We find nothing that precludes a community from allotment consideration because it contains agriculturally related businesses. Pike Road residents advise us that Hudson Cattle Company is one of the largest livestock brokers in Montgomery County, however, Mr. Miller's consultant failed to see Hudson Cattle Company during his so-called detailed study of Pike Road, Alabama and in addition tries to demean in some way that a community of agricultural interest isn't a community. Again, Miller has attempted to mislead the Commission.

If Mr. Miller's consultant had indeed made a detailed study of Pike Road, Alabama, he would have driven a short distance east on Wallahatchee Road to the "Pike Road Fire Department" which was included in our original allocation petition. A short distance to the south he would have found the "Pike Road Community Club" building and community swimming pool. If he had only looked north from Kirksey's Grocery about 300 feet he would have seen the "Pike Road Baptist Church". These too were included with photographs in our original allocation petition. A detailed study of Pike Road, Alabama would have taken him north on Old Pike Road to the United States Post Office, Pike Road, Alabama 36064, which also appeared in our original allocation petition. A detailed study would have revealed to Mr. Miller the 1st Baptist Church of Pike Road, Woodland Methodist Church, Billy Carter's Saddle Shop, Bartlett Airport, Bartlett Seed Company, Trade Links, Inc., Mid South Aquifarms, Billy Cox Stables, Barzona Beef Cattle, Pike Road Plantation, the United Pentecostal Church, WTC Horse Training, the Y.M.C.A.'s Camp Belser, the Merry Grocery Store and many other businesses and facilities which clearly identify Pike Road, Alabama as a legitimate community. But Mr. Miller and his consultant chose to ignore anything in Pike Road that proved it to have the indicia as defined by the Commission in the allocation of FM channels. We have proved, without doubt, that MR. Miller has falsely depicted Pike Road, Alabama and has intentionally misled the Commission. This should be considered as a very serious miscarriage of justice to the residents of Pike Road, Alabama and the Commission. Miller is without question trying to move the allocation to another community by omitting the truth about Pike Road and is definitely misleading the

commission in regards to Pike Road's qualifications for an FM allocation. He describes Ramer as a much larger community than Pike Road, when in fact, Pike Road is many, many times larger than Ramer. This is evidenced by the 90 families who are members of the Pike Road Civic and Community Clubs. We had already shown in our original allocation petition that the Pike Road Division of Montgomery County had a census of 4,278. The population of Pike Road can be further documented by information received from Nick Veronese, Postmaster of Pike Road, Alabama. Postmaster Veronese has 1,174 Pike Road, Alabama 36064 addresses. If there were an average of only 2 person per address, then the population of Pike Road would be 6 or 7 times greater than that of Ramer, Alabama. Mr. Miller knows of the huge disparity in population but again he is attempting to mislead the Commission with erroneous information with the intent for personal gain on his part. It's difficult to make a tiny community like Ramer appear bigger than a larger community like Pike Road when there are so many overwhelming facts to support the size of Pike Road.

Miller's allegation that a Pike Road allocation is a "back door attempt" to provide a secondary service to the city of Montgomery is equally incriminating to his proposed Ramer allocation, since the tower site would be in the same geographical area as a Pike Road tower site would need to be in order to avoid short spacing. His Hayneville, Alabama allocation would also have to be suspect as a "back-door attempt", to Montgomery.

### Conclusion

Miller is attempting to manipulate the Commission's rules and discredit a bonifide petition for a qualified community of license. In his counterproposal and opposition comments he provides absolutely no substantiated or documented proof of any of his objections, primarily because they can not be proved. Miller's entire counterproposal and comments are a blatant misrepresentation of the true facts. His certification, which says that statements in his counterproposal are "not filed for the purpose of impending, obstructing or delaying determination on any other application or petition with which it may be in conflict", is of course proved herewithin to not be the truth. Apparently, that is the only reason for his counterproposal. Also, Mr. Miller's and his consultants attempts to mislead the commission in this case should reflect on any future filings they should have with the commission.

In light of Miller's feable and frivilous counterproposal and opposition comments which contain absolutely no legitimate reasons for channel 248A not to be allocated to Pike Road, Alabama, we respectfully request that his proposals be immediatley dismissed and that our allocation for Pike Road, Alabama be granted promptly.

**Response to the Comments of James W. Garrett, Jr. in  
opposition to the allocation of channel 248A at Pike Road, Alabama.**

In Mr. Garretts' comments he makes a very weak attempt to discredit our position that Pike Road, Alabama qualifies under Commission Indicies for consideration as a community of license for channel 248A.

Garrett's statement that Pike Road is a "very loosely defined rural area" is reputed as false by exhibit #3 of comments filed November 15, 1993 by myself. Information from the Pike Civic Club speaks about "our closely knitted community" that "works together".

As far as the population of Pike Road, Alabama, Exhibit #4 of our comments shows a population of Pike Road as about 2,000 as estimated by the Montgomey Advertiser. Also, Pike Road Postmaster Nick Veronese documented for us that 1,174 addresses are Pike Road, Alabama residences. With only 2 persons per address, the population would surpass 2,000 residents. A call to the Montgomery County Courthouse revealed that the Pike Road Division of Montgomery County for the 1990 census shows 4,278 residents.

There may be several head of cattle in Pike Road since one of the primary businesses within the community is Hudson Cattle Company which deals in the buying and selling of livestock.

We have well documented that Pike Road does have significant organization with the Pike Road Communtiy Club, Pike Road Civic Club and the Pike Road Area Awareness Committee as proof.

Contrary to Mr. Garretts' belief that city government be a requirement for a qualification for allotment as a community of license, the Commission has already determined that incorporation of a community is not a prerequisite toward obtaining an FM allocation.

Mr. Garrett accurately reveals that Pike Road residents do indeed organize to raise funds for the volunteer fire department and that water and sewer service is independent from the Montgomery, Alabama water system.

Pike Road may not have a independant telephone exchange, but the prefix of Pike Road telephone numbers do identify with the Pike Road area.

Mr. Garrett also agrees with our position of there being a nearby school. Georgia Washington Junior High School is located less than 1 mile from the Pike Road Post Office and according to Pike Road Postmaster, Nick Veronese, (Home phone 205-613-0730, work 205-260-0138) Georgia Washington Junior High School is on the Pike Road mail route instead of Mt. Meigs as he alleges.

Mr. Garrett claims to represent the vast majority of the residents in not wanting "any political organization, municipal services or governmental units" is an especially false statement. I have spoke with Mrs. Jane James at 9570 Vaughn Road, Pike Road Alabama, phone 205-272-1734, who has done extensive research for the community of Pike Road toward incorporation into a city unit, which of course, would require some type of local government.

Mr. Garrett states that all he said were true and correct

statements to the best of his knowledge, information and belief, unfortunately for Mr. Garrett he has very little knowledge and information about the Pike Road Community.

I also talked with several persons within the Pike Road Community who did not know Mr. Garrett. It seems that he restrains from involvement in community affairs. Possibly, this is why he knows so little about the community of Pike Road.

In regard to Mr. Garretts' reason for opposition to the allotment; in the early part of November, I was visited at my workplace by a gentleman named Cal Thornton. He described himself as a broadcast consultant attempting to purchase broadcast properties for a client who owns banks in Tuskegee, Alabama and Montgomery Alabama. He asked questions about the possible availability of the radio station where I am employed, WACQ-Am & FM. He also asked questions about my proposed allocation at Pike Road, Alabama. He then said quote "My former boss, Ron Eubanks, who lives at Pike Road, says that he is going to fight that allocation." unquote. Since Mr. Thornton's former employer was the Holiday Broadcast Group, then I assume that Ron Eubanks must have some type of broadcast interest in Montgomery, Alabama where Holiday operates a 100KW Class C FM station. If this be the case, then it is very obvious that Mr. Eubanks is opposed to the allocation of a new FM frequency at nearby Pike Road, Alabama to avoid competition for whatever broadcast interest he is associated with.

After talking with Cal Thornton again on Wednesday, November 24, 1993, I asked if he knew James W. Garrett, Jr. Mr. Thornton said, quote "Garrett is Ron Eubanks' attorney," unquote. Clearly Ron Eubanks put Mr. Garrett up to filing frivolous comments to attempt to mislead the commission and to keep out nearby competition to his existing commercial broadcast operation.

**Addendum:** It has been determined that Ron Eubanks is the General Manager and a part owner of WZHT "Hot 105" and WMCZ "Magic 97.1" in Montgomery, Alabama. Mr. Garrett is a close friend and is Mr. Eubanks' attorney.

**Response to comments of Roberta B. Pinkston in opposition to  
FM allocation at Pike Road, Alabama.**

I talked with numerous residents of the Pike Road community and none of them were acquainted with Mrs. Pinkston. Many of those questioned have lived in Pike Road for more than 25 years and since Mrs. Pinkston has only been a resident for 2 years and is not a member of any of the various Pike Road community organizations, possibly she has not had the opportunity to meet her neighbors. Even the Pike Road postmaster could not positively identify Mrs. Pinkston, but he like other residents were puzzled as to why she would oppose an FM allocation for Pike Road.

Mrs. Pinkston's statement that Pike Road is "considered by area residents to be essentially, a part of the city of Montgomery", was vigorously opposed by 100% of all residents of Pike Road that I questioned. Of the dozens of residents I talked with, every single one identified themselves with Pike Road and not Montgomery. Mrs. Pinkston's statement might be her opinion, but her statement does not include any of the other Pike Road residents that I questioned, in fact, her statement angered the majority of the residents.

Mrs. Pinkston's statement that Pike Road has no municipal government is a true statement, but again is not an essential requirement under Commission indicia for the allocation of a community of license.

Mrs. Pinkston accurately reiterates our information that Pike Road does have a Volunteer Fire Department and Water and Sewer Department. The Water Department serves some 2,000 Pike Road residents out of its Pike Road, Alabama office.

Why Mrs. Pinkston would want to mislead the commission in regard to the post office is somewhat of a puzzle. Mr. Nick Veronese, phone 205-260-0138, assures me that he and he alone is the Postmaster for the Pike Road, Alabama post office. Mr. Veronese said that Charles Maske is his immediate superior, but that Mr. Maske is the supervisor for 110 post offices in central Alabama. The Pike Road Post Office may serve some other areas other than the immediate Pike Road area, such as rural routes, however, Postmaster Veronese showed me documents that indicated 1,174 Pike Road addresses.

The telephone exchange in Pike Road may be part of the Montgomery, Alabama calling area, however, Pike Road does have a distinct number prefix for that area telephones.

Georgia Washington Jr. High School is the nearest school to Pike Road. My daughter attended this school 7th through 9th grades, so I know where this school is physically located. The school is within 1 mile of the Pike Road Post Office and according to Postmaster Veronese, the school is on the Pike Road mail route.

Mrs. Pinkston's statements about Pike Road being a loosely defined area can be rebutted by our comments and exhibits in support of the FM allocation as submitted to the Commission on November 15, 1993. Pike Road is a large bedroom

community of 4 or 5 thousand persons, but from my research in the area over the past several months, the majority of Pike Road residents identify with Pike Road and they know exactly what the boundries are... see Nick Veronese's map exhibit #4 which identifies what the residents of Pike Road consider as boundries of their community.

The statement by Mrs. Pinkston that Pike Road residents "identify with Montgomery and consider themselves to be Montgomerians", has been denied by 100% of the dozens of Pike Road residents I have questioned. As a matter of fact, most residents have been angered by this outlandish statement.

Interestingly enough, we have evidence that Mrs. Pinkston too has some type of connection with Mr. Eubanks and Mr. Garrett and thus possibly has a sentiment for an existing commerical radio station in the Montgomery market which would perfer to keep out nearby competition.

The evidence that implicates and connects Mrs. Pinkston with Mr. Garrett include the Certified Mail identification numbers on the copies of letters of opposition that were mailed to me and to Kirk Tollett. Mr. Garrett's I.D. number was P 872 905 755 exhibit #5 and Mrs. Pinkston's I.D. number was P 872 905 753 exhibit #6 on the letters mailed to Fred R. Hughey and P 872 905 754 and P 872 905 756 respectfully on those mailed to Kirk Tollett. Both were mailed in identical envelopes and had identical address labels and identical typing from the same typewriter. Both were mailed on November 15, 1993 from Montgomery, Alabama.

Mrs. Pinkston's entire comments have been proven to be merritless and are obviously an attempt to mislead the Commission. Her comments should be dismissed and an allocation for channel 248A granted promptly to the community of Pike Road, Alabama.



## Conclusion

In support of my petition for the allocation of channel 248A to Pike Road, Alabama I have proved that Pike Road has a population of at least 2,000. This is documented by the article from the Montgomery Advertiser and Pike Road Postmaster Nick Veronese's information provided to me that indicates 1,174 Pike Road addresses. With just 2 persons per address, the population of Pike Road would be well over 2,000 which would make Pike Road at least 6 or 7 times the size of the counterproposed community of Ramer which has a documented, tiny population of only 375.

Postmaster Veronese has informed me that the new Pike Road Post Office was actually constructed because of the large population explosion in the Pike Road area. Mr. Veronese says the Pike Road Post Office also has extra room for the expected increase in the population of Pike Road over the next ten years.

We have given overwhelming evidence to the Commission in our prior comments that demonstrate that Pike Road contains indicia of a community including organizations which identify with Pike Road and provide financial support to community services such as the Public Library, ballpark, swimming pool and Volunteer Fire Department.

On Thursday November 11, 1993, by invitation, I attended the monthly meeting of the Pike Road Civic Club. There were 53 person's in attendance. I received a warm welcome and was asked many questions concerning the FM allocation to the Pike Road Community. No one voiced any opposition to my proposal and one lady even offered property for a future tower site.

Some of the business at the civic club meeting dealt with the amount of money the club had made for community projects through their annual flea market and plans for how the funds would be used in the community of Pike Road.

I left that meeting with the feeling that Pike Road truly has a very distinct identity among its residents. These people are very close knit. Pike Road is a real community in every indicia as required for consideration of an FM allocation by the Commission. This is very clear and well documented.

Recently, several of the residents told me about the annual Pike Road 4th of July Parade that proceeds from the Pike Road Baptist Church to the Feed Lot. Awards are given for the best floats and at the end of the parade patriotic speeches are made by local dignitaries. This parade is just another indication that Pike Road residents consider Pike Road as an individual community.

All comments in counterproposal and opposition have numerous inconsistencies with the truth. All have their own personal reasons for opposition and are not interested in the public being served. To assure that the public interest be served, we re-iterate our position that the Commission allocate channel 248A as the first local aural service to Pike Road, Alabama.



EXHIBIT # 1

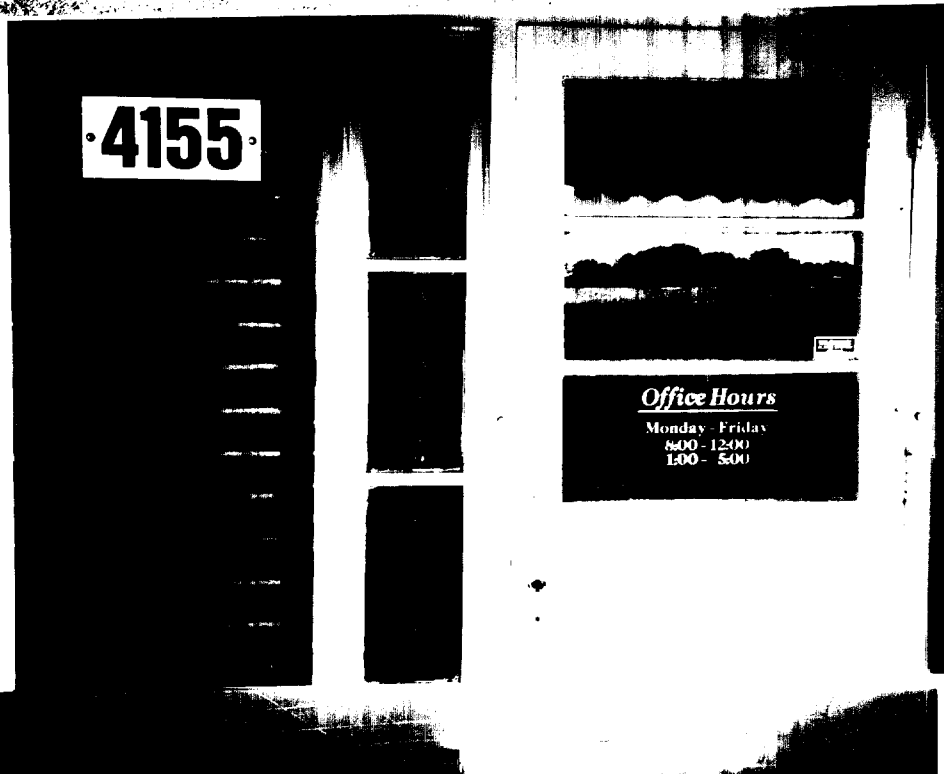


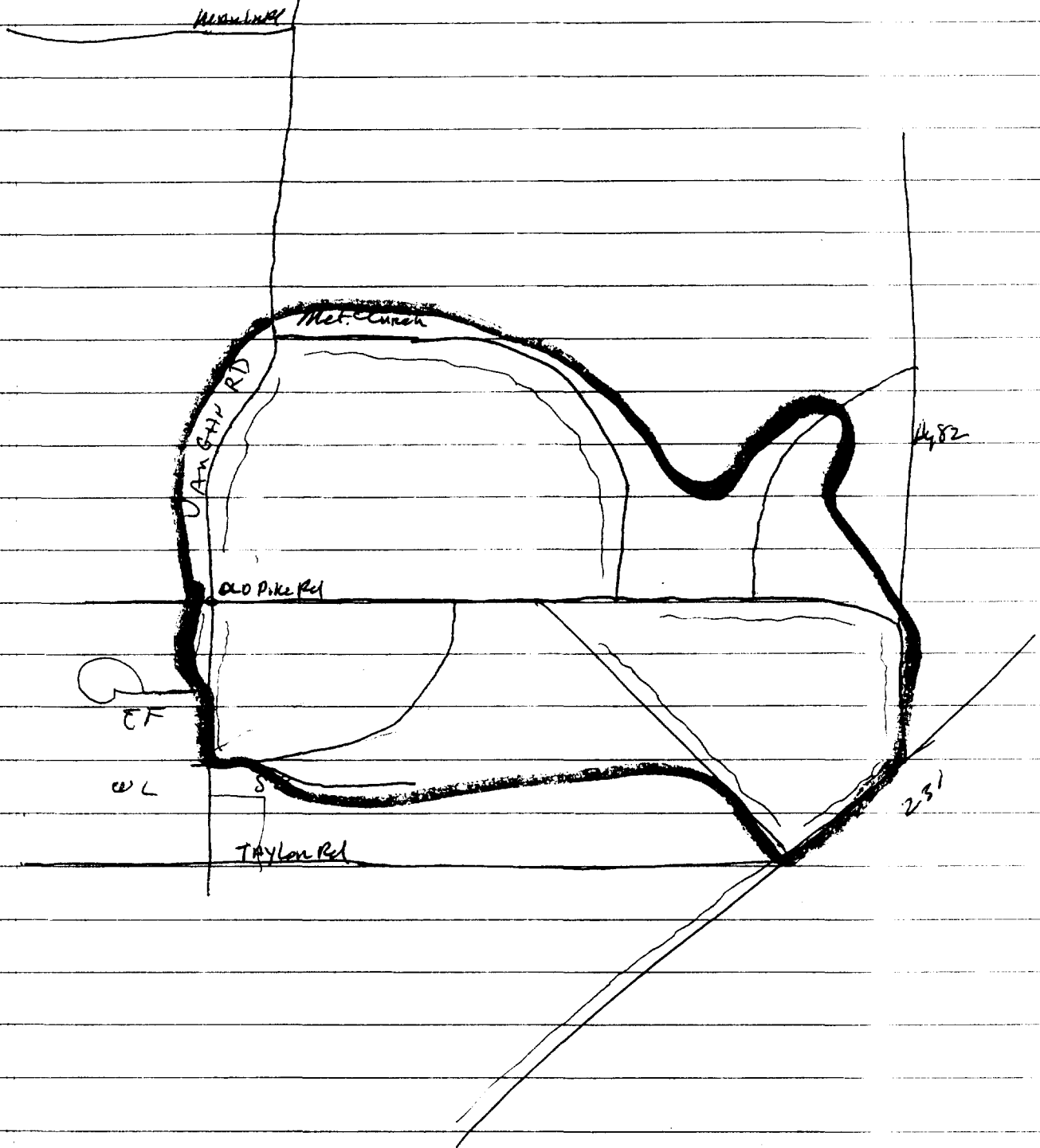
EXHIBIT # 2



EXHIBIT # 3

Cec. L

EXA. #4



MAP OF PIKE ROAD BY POSTMASTER NICK VERONESE

205-260-0138

SHADED AREA IS CONSIDERED PIKE ROAD.

CERTIFIED

P 872 905 753

MAIL

From

Roberta B. Pinkston  
2589 Old Pike Road  
Pike Road, Alabama 36064

TO

Fred Randall Hughey  
Route Four, Box 247  
Tallasse, Alabama 36078

11-18  
NK  
mck

EXH. #5

CERTIFIED

P 872 905 755

MAIL

E

From

James W. Garrett, Jr.  
10949 Milly Branch Road  
Pike Road, Alabama 36064

11-18  
NR  
mkk

TO

Fred Randall Hughey  
Route Four, Box 247  
Tallassee, Alabama 36078

EXH. #6

I certify that all statements made by me in all the foregoing comments are true and correct to the best of my knowledge.

Date November 29, 1993

Fred Randall Hughey

Fred Randall Hughey

# CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing Reply Comments were served by first class mail, postage prepaid on the following persons on the date indicated.

Mr. R.J. Miller  
Route 1, Box 242  
Letohatchee, Al 36047

Paul Reynolds  
415 North College Street  
Greenville, Alabama 36037

James W. Farrett, Jr.  
10949 Milly Branch Road  
Pike Road, Al 36064

Roberta B. Pinkston  
2589 Old Pike Road  
Pike Road, Al 36064

  
Fred Randall Hughey

Dated: November 29, 1993